THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20054 OF 1997

DATED 05.07.2006

BETWEEN

M.B.Devadas

… Petitioner

and

The Regional Joint Director of School Education,
Khairatabad, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION No.20054 OF 1997

ORDER:

The petitioner was working as Vice Principal of Methodist Boys High School, King Koti, Hyderabad. He claims that he is fully qualified for being appointed as Head Master of the said school. Though he is eligible, the Chairman of the school has brought the fourth respondent as Principal ignoring the claim of the petitioner. Therefore, he filed present writ petition seeking a writ of Mandamus declaring the action of the respondents in not appointing the petitioner as Principal of Methodist Boys High School and also challenging the appointment of the fourth respondent as Principal vide letter, dated 11.06.1997.

The third respondent – school, has filed a detailed counter affidavit opposing the writ petition. It is stated that the third respondent being minority educational institution, the appointment of Head Master is a matter pertaining to internal administration and the petitioner cannot enforce any right in the writ petition. It is stated that in July, 1978, the petitioner misbehaved in the Office resorting to vulgar language and threatened the Acting Director of foreign missionary. Therefore, he was suspended on 07.07.1978. After conducting enquiry, the Board of Management decided to treat the period of suspension as substantive penalty with loss of salary. Subsequently, he was made In charge Principal purely on temporary basis as no qualified person to hold the post is available. It is also stated that on 05.02.1997 while working as Assistant Head Master, the petitioner

beat a teacher with stick and the enquiry initiated against him is pending. The fourth respondent is qualified teacher working in Stanley Girls High School, Malakpet, in the jurisdiction of Hyderabad Regional Conference, and therefore she was appointed as Principal.

Though the writ petition was admitted on 26.08.1997, this Court did not pass any interim order staying the appointment of fourth respondent. Further, as rightly pointed out by the learned Assistant Government Pleader for School Education, at the time of filing of writ petition, the writ petitioner was aged 54 years and subsequently retired from service. Therefore, even if the petitioner succeeds in the writ petition, he cannot now be appointed as the Principal of the third respondent – school.

The writ petition is therefore dismissed as infructuous. No costs.

_____

(V.V.S.RAO,J)

05.07.2006
pln